

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL E. KEELING,	:	Civil No. 4:18-CV-02195
	:	
Plaintiff,	:	
	:	
v.	:	Judge Jennifer P. Wilson
	:	
JOHN WETZEL, <i>et al.</i> ,	:	
	:	
Defendants.	:	Magistrate Judge Joseph F. Saporito Jr.

ORDER

AND NOW, on this 22nd day of July, 2021, for the reasons stated in the accompanying memorandum, **IT IS ORDERED AS FOLLOWS:**

1. The report and recommendation issued by United States Magistrate Judge Joseph F. Saporito, Jr. (Doc. 57) is **ADOPTED IN PART AND REJECTED IN PART**.
2. Defendants' motion to dismiss (Doc. 48) is **GRANTED IN PART AND DENIED IN PART**.
3. The motion to dismiss is **DENIED** as to Plaintiff's claim that Defendants Piskorik and Pawling selectively enforced the prison's drug screening policy against Plaintiff. (*See* Doc. 1, pp. 19–20.)
4. The motion to dismiss is **GRANTED** in all other respects.
5. Plaintiff's claim regarding the manner in which food is served in the prison is **DISMISSED WITH PREJUDICE**.

6. All other claims in Plaintiff's complaint are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to amend the claims in an amended complaint.
7. Plaintiff may file an amended complaint in accordance with this order and the accompanying memorandum on or before **August 22, 2021**.
8. If Plaintiff fails to file an amended complaint by the above date, Defendants shall answer the undismissed portions of the complaint in accordance with the Federal Rules of Civil Procedure.
9. If Plaintiff fails to file an amended complaint by the above date, this order shall operate as a dismissal with prejudice as to all claims that have been dismissed in this order.
10. This case is recommitted to Judge Saporito for further proceedings consistent with this order.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania